

HONDA et al., SN 10/626,613  
Amdt. filed 22 June 2005  
Reply to 22 March 2005 Office Action

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### **REMARKS**

This Amendment is responsive to the Office Action Identified above, and is responsive in any other manner indicated below.

### **PENDING CLAIMS**

Claims 1-6 were pending, under consideration and subject to examination in the Office Action. Appropriate claims have been amended, canceled and/or added (without prejudice or disclaimer) in order to adjust a clarity and/or focus of Applicant's claimed invention. That is, such changes are unrelated to any prior art or scope adjustment and are simply refocused claims in which Applicant is present interested. At entry of this paper, Claims 1-6 remain pending for further consideration and examination in the application.

### **NON-STATUTORY DOUBLE PATENTING REJECTION - DISCLAIMER FILED**

The obviousness-type double patenting rejection of Claims 1-3 and 5 as set forth within the section numbered "3" beginning on page 2 of the Office Action, is respectfully traversed. However, in order to travel a path of least resistance to obtaining a patent for the present application, submitted herewith is an executed Terminal Disclaimer to overcome the non-statutory double patenting rejection. As a result of the foregoing, reconsideration and withdrawal of the double patenting rejection of the subject claims are respectfully requested. The above statements, or the filing of any Terminal Disclaimer, should not be taken as an indication or admission that the rejection was valid, but is merely use of a procedural approach to

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obtain a patent (without prejudice or disclaimer) as quickly as possible given that the present application's patent may have coextensive term anyways as measured from the same original filing date, regardless of any Terminal Disclaimer. Further discussions and/or arguments concerning such rejection(s), claims and/or reference are left for the future if/when appropriate.

As a final point, it is respectfully submitted as a reminder that, if new art is now cited against any of Applicant's unamended claims, then it would not be proper to make a next Action final.

#### REWRITTEN ALLOWABLE CLAIMS

Claims 4 and 6 have been indicated as being allowable if rewritten, as indicated within the section number "4" on page 3 of the Office Action, and such claims have been so rewritten. Applicant and the undersigned respectfully thank the Examiner for such indication of allowable subject matter.

#### ALL CLAIMS IN CONDITION FOR ALLOWANCE

In view of the fact that all prior art rejected appear allowable in view of the Terminal Disclaimer filed to obviate any double-patenting rejection, and all other remaining allowable claims have been rewritten into independent form as suggested within the Office Action, it is respectfully submitted that all presently pending claims are now in condition for allowance. A Notice of Allowance with respect to the present application is respectfully requested.

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### **RESERVATION OF RIGHTS**

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer of any scope or subject matter. Further, Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, i.e., Applicant continues (indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

### **EXAMINER INVITED TO TELEPHONE**

The Examiner is invited to telephone the undersigned at the local D.C. area number 703-312-6600, to discuss an Examiner's Amendment or other suggested action for accelerating prosecution and moving the present application to allowance.

### **CONCLUSION**

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the application are in condition for allowance. Accordingly, an early Notice of Allowance of such claims is respectfully requested.

This Amendment is being filed within the shortened statutory period for response set by the 22 March 2005 Office Action, and accordingly, no Petition or

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extension fee is required. To whatever other extent is actually necessary, Applicant respectfully petitions the Commissioner for an extension of time under 37 CFR §1.136. Attached hereto is a Form PTO-2038 authorizing the requisite claim and Disclaimer filing fees. Please charge any actual deficiency in fees required for entry of this paper to ATS&K Deposit Account No. 01-2135 (as Case No. 520.37129VC2).

Respectfully submitted,



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Attachments:  
Terminal Disclaimer  
PTO-2038 (Fee Codes 1201, 1814)